

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Dougherty et al.

Art Unit: 1634

Application No.: 10/501,848

Filed: July 16, 2004

For: SIMULATING MICROARRAYS USING A
PARAMETERIZED MODEL

Examiner: James Martinell

DECLARATION OF MICHAEL L. BITTNER UNDER 35 C.F.R. § 1.132

With respect to the above-identified patent application, I, Michael L. Bittner, declare as follows:

1. All statements made herein of my own knowledge are true, and all statements made on information and belief are believed to be true; and further these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. I have examined the article "A Random Signal Model for cDNA Microarrays" ("the Article"), which was published on or after January 19, 2001, in vol. 4266 of *Proceedings of SPIE*.

3. I am listed as an author on the Article.

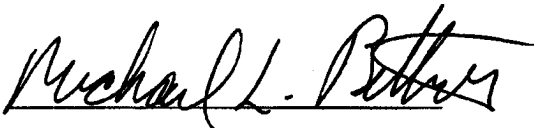
4. I worked with named inventor Yidong Chen during development of the technologies described in the Article.

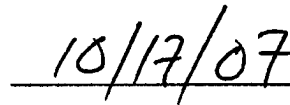
5. I have expertise and experience in the field of microarray images. I was consulted by named inventor Yidong Chen regarding whether simulated microarray images generated by the technologies described in the Article had realistic qualities mimicking those found in real microarray images.

6. I have reviewed the claims currently pending for the above patent application.

7. While I did serve the role of consultant for the technologies, I did not contribute to the conception of any of the claimed subject matter.

8. J. M. Trent ("Mr. Trent") is listed as an author on the Article. Mr. Trent was the scientific director of the National Human Genome Research Institute's Division of Intramural Research and served in a leadership role of the Division, but he did not contribute to the conception of the any of the claimed subject matter. Because of his position as an organizational head of the Division, Mr. Trent was given authorship credit on the Article.


Michael L. Bittner


Date